

Introduced by

Senators Barta, Dever, Lee

Representatives D. Ruby, Weisz, Louser

1 A BILL for an Act to amend and reenact section 19-02.1-16.3 of the North Dakota Century
2 Code, relating to step therapy protocols; to provide for a report to the legislative assembly; to
3 provide for application; and to provide an expiration date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 19-02.1-16.3 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **19-02.1-16.3. Pharmacy benefits managers - Step therapy protocols - Limitations.**

8 1. As used in this section:

9 a. "Associated condition" means a symptom or side effect associated with
10 metastatic cancer or its treatment and which, in the judgment of the health care
11 practitioner, further jeopardizes the health of an individual if left untreated.

12 b. "Metastatic cancer" means cancer that has spread from the primary or original
13 site to lymph nodes, nearby tissues, or other parts of the body.

14 ~~b.c.~~ "Pharmacy benefits manager" has the same meaning as in section 19-03.6-01.

15 ~~e.d.~~ "Step therapy protocol" means a protocol requiring an individual use a drug, or
16 sequence of drugs, other than the prescription drug, or sequence of prescription
17 drugs, the individual's health care provider recommends for the individual's
18 treatment, before the pharmacy benefits manager or health plan allows coverage
19 for the recommended prescription drug, or sequence of prescription drugs.

20 2. A pharmacy benefits manager or a health plan may not require a step therapy protocol
21 for coverage of a recommended prescription drug, or sequence of prescription drugs,
22 approved by the United States food and drug administration if:

- 1 a. The recommended prescription drug, or sequence of prescription drugs, is
2 prescribed to treat the individual's diagnosis of metastatic cancer or an
3 associated condition; and
- 4 b. The use of the recommended prescription drug, or sequence of prescription
5 drugs, is consistent with the United States food and drug administration-approved
6 indications or is supported by peer-reviewed medical literature.
- 7 3. This section does not require coverage of a nonformulary prescription drug.

8 **SECTION 2. PUBLIC EMPLOYEES RETIREMENT SYSTEM - STEP THERAPY**
9 **PROTOCOLS FOR ASSOCIATED CONDITIONS OF METASTATIC CANCER - REPORT TO**

10 **LEGISLATIVE ASSEMBLY.** Pursuant to section 54-03-28, the public employees retirement
11 system shall prepare and submit for introduction a bill to the seventieth legislative assembly to
12 repeal the expiration date for this Act and to extend step therapy protocols for associated
13 conditions of metastatic cancer to all group and individual health insurance policies. The public
14 employees retirement system shall append a report to the bill regarding the effect of the step
15 therapy protocols for associated conditions of metastatic cancer on the system's health
16 insurance programs, information on the utilization and costs relating to the coverage, and a
17 recommendation regarding whether the coverage should be continued.

18 **SECTION 3. APPLICATION.** This Act applies to health insurance benefits coverage
19 provided by the uniform group insurance program under chapter 54-52.1 which begins after
20 June 30, 2025, and which does not extend past June 30, 2027.

21 **SECTION 4. EXPIRATION DATE.** This Act is effective through June 30, 2027, and after that
22 date is ineffective.